

AGAINST W. K. VANDERBILT.

HIS WIFE GETS A DIVORCE.

BY ORDER OF THE COURT.

THE NEWS PRODUCES A BIG SENSATION.

A REVIEW OF THE TROUBLE BETWEEN THE

COUPLE - THEIR SEPARATION LAST YEAR,
SOON AFTER THEIR PROJECTED YACHT-
ING TOUR AROUND THE WORLD WAS
SUDDENLY BROKEN UP - MR.
VANDERBILT'S DOINGS IN
PARIS AND THE GOS-
SIP ABOUT HIM.

A sensation was caused in this city yesterday afternoon by the announcement that a decree of absolute divorce had been granted by Judge Barrett, in the Supreme Court, to Alva E. Vanderbilt from William K. Vanderbilt. The divorce in one of the richest families of this country, announced on the day following a marriage in another of the richest of American families, was spoken of as one of the most remarkable things which had occurred in some time. In every

The unhappy marital relations of the couple have been known to their intimate friends for some years; at length led to a separation about six months ago, and ended in the divorce for which a decree was entered yesterday.

Mr. Vanderbilt is on board his yacht at Nice. Mrs. Vanderbilt is staying here.

Under the decree of divorce, as granted to Mrs. Vanderbilt by the statutes of New York, she is given sole charge of the three children, although the father is allowed access to them at all reasonable times, and there is a condition that the boys shall be educated in the United States.

THE TESTIMONY SEALED.

As all the testimony and the report of the referee have been sealed, no facts can be ascertained as to the parties who are implicated with Mr. Vanderbilt. Although a liberal allowance has been granted to Mrs. Vanderbilt, there is no record of the sum which her husband has agreed to give her, as the only paper which the public can examine is the decree of divorce.

The decree of the court is granted upon the report of Edmund Kelly, who was appointed to hear and determine all the issues involved in the action. The complaint in the suit was served on Mr. Vanderbilt on January 3 last, and within a short time the answer of Mr. Vanderbilt was served by his counsel, Anderson, Howland & Murray. The case was sent to the referee on January 18.

THE DECREE OF DIVORCE.

The decree of divorce, apart from some of the legal verbiage, is as follows:

This action having been brought by the plaintiff against the defendant for the purpose of ob-

taining a judgment of divorce and dissolving the marriage between the parties on the ground of the defendant's adultery, and the summons and copy of the complaint were duly served on the defendant within the State of New York on the 31 day of January, 1895, as appears by the affidavits of William H. Keogh, duly filed, and the defendant having appeared herein by Anderson, Howard & Gray, the plaintiff's attorneys, the said complaint herein was duly made in answer to the said complaint herein and putting in issue the allegations of adultery therein contained, and in order having been duly made and entered in this action whereby it was referred to Edmund Kelly, as sole referee, and having been tried by him, and the referee having made a decision thereon, on January 18, 1895, with the evidence and proceedings taken before him, it appears, and the referee finds and decides, among other things, that the material allegations of the complaint in this action are true, and that the defendant herein is guilty of adultery in this city on April 29, 1893, and were residents of the State of New York at the time of the marriage until

and at the time of the commencement of this action: that the defendant had been guilty of the acts of adultery charged in the complaint; that there is no judgment in any court of the State of New-York or of any other State against the plaintiff and in favor of the defendant for a divorce on the ground of adultery, or otherwise, that the complainant is a proper person to have the custody of the children of the marriage, namely, Consuelo Vanderbilt, William K. Vanderbilt, Jr., and Harold S. Vanderbilt; that the defendant is a man of considerable means and able to provide for his wife and family; that the complainant is entitled to suitable provision for the support of herself and for the education and maintenance of her children.

The referee having directed that judgment be entered in this action in favor of the plaintiff and dissolving the marriage between the parties and the court and action having duly come on to be heard on February 5, 1885, and the referee having duly made his report to this court, the parties were directed to attend a special term of

his court on February 10, 1905, and hearing having been duly adjourned until this day, the plaintiff presented an agreement making due provision for the education and maintenance of the children and support of the plaintiff, duly read and approved by the court, and relinquished all her right and claim to have any such provision required to be made by this court herein. And after hearing Joseph H. Choate, William Jay and William H. Duer, of counsel on behalf of plaintiff, and Joseph H. Choate and William Jay, of counsel for defendant, and the motion of Deane C. Bauer, attorney for plaintiff, it is ordered, judged and decreed that the said report of the referee be in all respects ratified, approved and confirmed, and it is further adjudged and decreed that the plaintiff, Mary Vanderbilt, and that the plaintiff, William K. Vanderbilt, the parties to this action, be and they hereby are divorced, and that the marriage between them is dissolved accordingly.

It is also adjudged that the plaintiff be permitted to marry again during the life of William K. Vanderbilt, as if the marriage to him had

never taken place

It is decreed, however, that William K. Vanderbilt is not permitted to marry during the life of the said Alva E. Vanderbilt.

It is ordered that the said William K. Vanderbilt be permitted to visit the said children at all proper times.

It is also ordered that the children receive their education in the United States upon consent of both parties through their lawyers in court.

Neither the complaint nor the answer nor the report of the referees nor the testimony is open for inspection. The only paper than can be seen is the decree of the court. This, in addition to setting forth the facts, as above stated, finds that Mr. Vanderbilt is a man of considerable means and well able to provide for his wife and children, and that she is entitled to a suitable provision for the support of herself and the maintenance and education of the children.

Judge Barrett, when seen concerning the secrecy in the matter, said: "The papers in divorce cases are not sealed by order of the Court. On the contrary, it requires an order of the court to unseal them. A rule of practice, not only in this court, but in the courts throughout the State, requires that the testimony in divorce cases be sealed. The seal can be broken only by the court, and an order to that effect would be granted only to persons interested in the matter and entitled to the privilege for reasons other than mere curiosity."

Judge Barrett declared that it was not proper for the papers in any case to be seen, with a few exceptions of the decree, and that the clerks did not have the right to allow any person to see the testimony in divorce cases without an order from the court.